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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,689	01/04/2002	Gerd Eisenblatter	87307.00025	7795

30734 7590 06/08/2005

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EXAMINER

SHAKERI, HADI

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,689

Applicant(s)

EISENBLATTER, GERD

Examiner

Hadi Shakeri

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/21/05 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 15, the language as recited renders the claim indefinite. Fifth paragraph on page 5 of the specification as originally filed describes preferred embodiments of the invention regarding the abrasives used, i.e., textile belt with an abrasive particle coating, a composite material with a glass filament layer and a nylon nonwoven layer, which is impregnated with abrasive particles. It does not disclose a polishing or grinding surface of the belt that comprise both glass filament layer and a nylon nonwoven layer impregnated with abrasives particles.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller in view of either Ashton, Volz or Donahue (249,909)

Muller meets all of the limitations of claim 1, i.e., an interlocking abrasive or grinding belt with first and second ends, releasable shape-mate connection device on the ends (18-20) to form an endless belt, the shape connection device is formed with a recess (18) with closed edge on said first end and a counterpiece on said second end, characterized in that the recess is designed as an elongated hole, the counterpiece (19-21) is at least as wide as the width of the belt (containing the recess), and the recess is symmetrical about a center line axis running parallel to the belt, the recess having a longitudinal axis that runs parallel to long sides of the grinding belt, except for the hole to have a length corresponding roughly to a width of the belt and a wider region on the top and a narrow region on the bottom. Keyhole shape recesses in connection devices are well known as taught and evident by Volz, Donahue and Ashton, wherein the narrower section is in the form of a slit, all designed to facilitate the locking of the counterpiece with the recess. Note that the key-hole recess (30, 38) as taught by Volz corresponds to the width of the counterpiece (28), which is narrower than the width of belt, but a key-hole shaped teaching is evident. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Muller by providing a narrower section for the recess as taught by anyone of Volz, Donahue and Ashton to enhance the locking unlocking action of the connection device.

Regarding claim 15, Muller is silent regarding the type of abrasives. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use glass filament for abrasives, since it is within the general skill of a worker in the art to select a known

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device on the basis of its suitability for the intended use, e.g., cost and/or operational parameters.

6. Claims 3-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (Muller in view of anyone of Volz, Donahue and Ashton) as applied to claims 1 and 2 above, and further in view of Smith.

Prior art as applied to claims 1 and 2 above meets all of the limitations of the above claims, except for disclosing a coated stiffened end region. Smith teaches stiffening the end regions of the interconnection device (02:30-44).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified invention of prior art by coating the ends as taught by Smith for stiffening said ends.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (Muller in view of anyone of Volz, Donahue and Ashton) as applied to claims 1 and 2 above, and further in view of Horton (2,413,325).

Prior art as applied to claims 1 and 2 above meets all of the limitations of the above claims, except for disclosing a double-sided belt glued together. Horton teaches an abrasive article having abrasives on both sides of the flexible sheet material (01:1-3).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified invention of prior art by providing double-ended belt as taught by Horton so that when one side is worn it could be reversed to make the other side available. Forming the double-sided belt by gluing two belts back to back, even though the method of forming is not germane to the issue of palatability itself, is considered obvious to one of ordinary skill in the art in providing a stronger more durable belt.

Response to Arguments

8. Applicant's arguments regarding claims 1-14 have been fully considered but are moot in view of new grounds of rejections.


However, Muller does disclose a counterpiece that is at least as wide as the width of the grinding belt, see Figs. 5 and 6. The modification to the connection device as disclosed by Muller is to change the shape of the recess by providing a narrower portion on the bottom to facilitate the interlocking/unlocking action, i.e., a key-hole shape as taught by the teaching references.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is (571) 272-4495. The examiner can normally be reached on Monday-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hadi Shakeri
Primary Examiner
Art Unit 3723
June 4, 2005